IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Bail Appl..No. 543 of 2007()

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CRIME NO.28/07 OF NEMOM POLICE STATION.

PETITIONER/ACCUSED 1 & 2:

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1. BINU, S/O. APPU,
   ALLODIVILAKOM, NARAKAMTHATTU VEEDU,BINU BHAVAN,
   KAKKAMOOLA, KALLIYOOR P.O.,THIRUVANANTHAPURAM.

2. SINDHU, W/O. BINU,
   ALLODIVILAKOM, NARAKAMTHATTU VEEDU,BINU BHAVAN,
   KAKKAMOOLA, KALLIYOOR P.O.,THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: STATE AND COMPLAINANT:

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1. STATE OF KERALA,
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
   NEMOM POLICE STATION.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 543 OF 2007

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DATED THIS THE 1ST DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are husband and wife and accused Nos.1 and 2 in Crime No.28/07 of Nemom Police Station for offences punishable under sections 420 and 380 read with section 34 IPC, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The petitioners are alleged to have cheated the mother of the de facto complainant who parted with huge amounts of money to the petitioners. It is too early to accept the petitioners' contention that the payment of money was towards the agreement executed by the old lady.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to allow the petitioners to surrender before the Investigating Officer for custodial interrogation and then to have their regular bail application disposed of by the Magistrate concerned. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 5.2.2007 and 7.2.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioners shall thereafter be

produced before the Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the application , if any, filed by the petitioners for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn